IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTY FOURTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WP.No.18775 OF 2005

Between:

M/s. Ananda Aqua Exports Pvt.Ltd.,

Represented by its Director: Mr.Uddaraju Jogi

Ananda Varma … Petitioner

Versus

The District Collector, Kakinada,

East Godavari District & Ors. … Respondents

Counsel for the Petitioner: M/s. Bokka Satyanarayana

Counsel for the Respondents: GP for Revenue

O R D E R :

This writ petition is filed questioning the action of the second respondent in not passing order on the stay application as illegal, arbitrary and violative of Article 14 and 300-A of the Constitution of India and consequently direct the third respondent to stay all further proceedings including dispossession of the petitioner pursuant to the final order vide Ref.No.A/11/2004, dated 29-7-2005, pending disposal of the writ petition.

The petitioner is a company incorporated under the provisions of the Companies Act 1956 as per clause 18 and 19 of the Articles of Association. Therefore, this writ petition is filed by the Director of the petitioner-company questioning the validity of the order dated 29-7-2005 passed by the third respondent in his proceedings Ref.No.A/11/2004 purporting to have passed the order under section 4 (1) of the AP

Assigned Lands (Prohibition & Transfer) Act 1977 and directing the Mandal Revenue Inspector, Katrenikona to hand over possession of the land to the assignees concerned and submit delivery receipts to his office forthwith. Further the writ petitioner seek to declare the action of the second respondent in not passing any order on its stay application filed along with Appeal No.H/628/2005 as illegal, arbitrary and violative of Article 14 and 300-A of the Constitution of India.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioner, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the second respondent to consider and dispose of Appeal No.H/628/2005, which was filed challenging the validity of the order dated 2907-2005 passed by the third respondent-Mandal Revenue Officer, Katerinikona Revenue Mandal, in his Proceedings Ref.No.Aa/11/2004, purporting to have been passed under section 4 (1) of the AP Assigned Lands (Prohibition & Transfer) Act, 1977 within six weeks from the date of receipt of a copy of the order and pass appropriate order on merits and in accordance with law, after giving reasonable opportunity of hearing the petitioner, M/s.Ananda Acqua Exports Private Limited, Sivaraopeta, Bhimavaram, represented by its Director, Mr.Udaraju Jogi Ananda Varma, s/o. UK.Viswanatha Raju, r/o. Bhimavaram, West Godavari district. Meanwhile, statusquo shall be maintained till the second respondent passes an order in the appeal. However, this order does not preclude the respondents from taking action in accordance with the established principles of law.

With the above direction, the writ petition is disposed of at the admission stage. No

costs.

AUGUST 24th, 2005. ----------

l s L. ELIPE DHARMA RAO , J.